

07/01/98

PTO/SB/05 (4/98)

Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

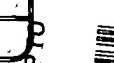
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 23660-00611

First Inventor or Application Identifier Howard Tanner

Title **METHOD AND APPARATUS FOR THE SURGICAL  
REPAIR OF ANEURYSMS**Express Mail Label No. **APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  \* Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2.  Specification [Total Pages 69]  
(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3.  Drawing(s) (35 U.S.C. 113) [Total Sheets 27]

4. Oath or Declaration [Total Pages 3]

- a.  Newly executed (original or copy)
- b.  Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 16 completed)
  - i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

**NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).**

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

5.  Microfiche Computer Program (Appendix)

6. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)

- a.  Computer Readable Copy
- b.  Paper Copy (identical to computer copy)
- c.  Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

7.  Assignment Papers (cover sheet & document(s))

8.  37 C.F.R. § 3.73(b) Statement  Power of  
(when there is an assignee)  Attorney

9.  English Translation Document (if applicable)

10.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations

11.  Preliminary Amendment

12.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)

13.  Small Entity Statement(s)  Statement filed in prior application,  
(PTO/SB/09-12)  Status still proper and desired

14.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

15.  Other: **Check #** for \$395.00  
.....

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:  
 Continuation  Divisional  Continuation-in-part (CIP) of prior application No: 08 / 896,415

Prior application information: Examiner \_\_\_\_\_

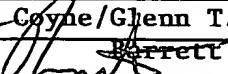
Group / Art Unit: 3738

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or  Correspondence address below

Name	PATRICK J. COYNE COLLIER, SHANNON, RILL & SCOTT, PLLC			
Address	3050 K Street, NW Suite 400			
City	Washington	State	DC	Zip Code
Country	US	Telephone	(202) 342-8400	Fax (202) 342-8451

Name (Print/Type)	Patrick J. Coyne/Glenn T.	Registration No. (Attorney/Agent)	31,821/38,705
Signature			Date July 1, 1998

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Application of: **Howard Tanner et al.**

**Rule 53 Divisional of Application**

Serial No.: **08/896,415**

Filed: **July 1, 1998**

For: **METHOD AND APPARATUS FOR THE SURGICAL  
REPAIR OF ANEURYSMS**

Attorney Docket #: **23660-00611**

Honorable Commissioner of  
Patents and Trademarks  
BOX PATENT APPLICATION  
Washington, D.C. 20231

**Request for Filing Application Under 37 CFR 1.53(b)**

Sir:

This is a request for filing a ( ) continuation (X) divisional application, under 37 CFR 1.53(b) of pending prior Application Serial No. 08/896,415 filed on July 18, 1997, and entitled: **METHOD AND APPARATUS FOR THE SURGICAL REPAIR OF ANEURYSMS**

by the following named inventor(s):

(a) Howard Tanner, (b) Hugh Trout, III, and (c) Ronald Ehmsen;

who are citizens of (a) the United Kingdom; (b) the United States; and (c) the United States, currently residing at:

(a) 242 East 100 South, Logan, Utah 84321;  
(b) 4124 Jenifer Street, N.W., Washington, DC 20015; and  
(c) 10551 Wulff Drive, Villa Park, California 92861.

1. (X) Enclosed with and attached hereto is a copy of the prior application, including the oath or declaration as originally filed. I hereby verify that the attached papers are

a true copy of the above-identified prior application, including the drawings and the oath or declaration originally filed, produced from my files, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2.  At least one original independent claim has been retained for filing purposes.
3.  A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

**FEE CALCULATION  
(AFTER PRELIMINARY AMENDMENT)**

<u>FOR</u>	<u>(Col. 1)</u> <u>NO. FILED</u>	<u>(Col. 2)</u> <u>NO. EXTRA</u>	<u>OTHER THAN A SMALL ENTITY</u>	<u>FEE</u>
Basic Fee	//////	////////	//////	\$395.00
Total Claims	8 - 20	= 0	x \$11 =	00.00
Indep. Claims	1 - 3	= 0	x \$41 =	0.00
( ) Multiple Dependent Claim Presented		= \$270 =		
<u><b>TOTAL = \$ 395.00</b></u>				

4.  A check in the amount of \$395.00 to cover the  filing fee and  any other fee which may be required is enclosed.
5.  The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17, or any other fees which may be required, or credit any overpayment to Deposit Account No. 03-2469. Two copies of this document are enclosed.
6.  Amend the specification by inserting before the first line the sentence:

This application is a  continuation  divisional of application Serial Number 08/896,415, filed on July 18, 1997.

7.  New  formal ( informal drawings are enclosed.

8.  The prior application is assigned of record to EVA CORPORATION, Washington, DC.

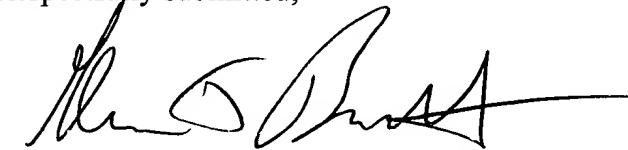
9.  The power of attorney in the prior application is to:  
Patrick J. Coyne of Collier, Shannon, Rill & Scott, PLLC.

a.  The power of attorney appears in the original papers in the prior application.

b.  Associate powers of attorney do not appear in the original papers, therefore, a copy of the associate powers as filed in the prior application is enclosed.

c.  Address all further communications to:  
Patrick J. Coyne  
COLLIER, SHANNON, RILL & SCOTT, PLLC  
3050 K Street, NW  
Washington, D.C. 20007

Respectfully submitted,



Dated: July 1, 1998

---

PATRICK J. COYNE, Registration No. 31,821  
GLENN T. BARRETT, Registration No. 38,705  
COLLIER, SHANNON, RILL & SCOTT, PLLC  
3050 K Street, N.W.  
Washington, D.C. 20007  
(202) 342-8400

28

Collier, Shannon, Rill & Scott, PLLC

Attorneys-at-Law  
3050 K Street, N.W.  
Suite 400  
Washington, D.C. 20007

Tel.: (202) 342-8400  
Fax: (202) 342-8451

#2  
Pre/9  
9-25  
T.P. Sines  
10 Barrack Street  
Level 12  
Sydney, NSW 2000, Australia  
Tel.: 61-2-262-6700  
Fax: 61-2-262-3268

(202) 342-8497

July 1, 1998

Honorable Commissioner of Patents  
and Trademarks  
BOX NEW APPLICATION  
Washington, D.C. 20231

**Re: New U.S. Divisional Patent Application of  
Application Serial No. 08/896,415  
For: METHOD AND APPARATUS FOR THE SURGICAL REPAIR  
OF ANEURYSMS  
Our Reference: 23660-00611**

Dear Sir:

Transmitted herewith for filing in the U.S. Patent and Trademark Office are the following documents: (1) Utility Patent Application Transmittal; (2) Fee Transmittal; (3) Request for Filing Application Under 37 CFR 1.53(b); (3) copy of executed Declaration and Power of Attorney from parent application; (4) 69 pages of specification, claims and abstract; (5) 27 pages of drawings; (6) Preliminary Amendment; (7) Information Disclosure Statement; (8) Form PTO 1449 and references cited therein (3); and (9) a check in the amount of \$395.00 to cover the U.S. Government divisional filing fee.

Sincerely yours,



PATRICK J. COYNE, Reg. No. 31,821  
GLENN T. BARRETT, Reg. No. 38,705

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 1997.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 395.

## Complete if Known

Application Number			
Filing Date	July 1, 1998		
First Named Inventor	Howard Tanner		
Examiner Name			
Group / Art Unit			
Attorney Docket No.	23660-00611		

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number	
Deposit Account Name	

Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17  Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance

2.  Payment Enclosed:

Check  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 790	201 395	Utility filing fee	395
106 330	206 165	Design filing fee	
107 540	207 270	Plant filing fee	
108 790	208 395	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1) (\$ 395.00			

## 2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	8	-20** = 0	0
Independent Claims	1	- 3** = 0	0
Multiple Dependent			

\*\* or number previously paid, if greater; For Reissues, see below

## Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 22	203 11	Claims in excess of 20
102 82	202 41	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 82	209 41	** Reissue independent claims over original patent
110 22	210 11	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ -0-		

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 950	217 475	Extension for reply within third month	
118 1,510	218 755	Extension for reply within fourth month	
128 2,060	228 1,030	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,320	241 660	Petition to revive - unintentional	
142 1,320	242 660	Utility issue fee (or reissue)	
143 450	243 225	Design issue fee	
144 670	244 335	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 790	246 395	Filing a submission after final rejection (37 CFR 1.129(a))	
149 790	249 395	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify) _____			
Other fee (specify) _____			
Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ -0-

## SUBMITTED BY

Typed or Printed Name	Patrick J. Coyne / Glenn T. Barrett			Complete (if applicable)
Signature				Reg. Number 31,821/38,705
	Date 7/1/98	Deposit Account User ID		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.